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(DC-02117)

PATENT  
09/491,286



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rose K. Davis, et al.  
Serial No.: 09/491,286  
Date Filed: January 25, 2000  
Examiner: Pwu, Jeffrey C.  
Group Art Unit: 2164  
Title: *System and Method for Optimizing Online Auctions*

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Dear Sir:

**DECLARATION PURSUANT TO 37 C.F.R. § 1.131**

I, the undersigned, hereby declare and state that:

1. I am over the age of 21 years, of sound mind, and competent in all respects to make this Declaration.

2. I am Henry N. Garrana, Vice President, Intellectual Property of Dell Products L.P., a Texas Limited Partnership and owner of the subject matter of the above-referenced Application, entitled *System and Method for Optimizing Online Auctions*, filed on January 25, 2000 (the "Application"). (See assignment recordation at Reel 010713, Frame 0761, March 13, 2000 and attached as Exhibit A.)

3. The Examiner has rejected Claims 1-24 (the "Claims") under 35 U.S.C. § 102(e) in an Office Action mailed March 18, 2002 based on United States Application Ser. No. 09/430,263 filed on October 29, 1999 and issued as Patent No. 6,230,199 issued to Siddaraya B. Revashetti et al. on May 8, 2001 ("the Reference").

4. The present invention was conceived and reduced to practice on or prior to September 24, 1999, greater than a month prior to the filing date of the Reference.

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5. Such conception and reduction to practice is evidenced by the Dell Invention Disclosure Form attached as Exhibit B. The invention disclosure form was duly submitted using the electronic process described on Page 1 of the form. The disclosure was signed through electronic signature by the two inventors and two witnesses. It was duly received by Dell legal personnel and assigned an internal invention disclosure number, which indicates that the receiving legal personnel independently verified the date of receipt. These events were all in accordance with standard procedure in place at Dell Products, L.P. for invention disclosure and independent verification thereof by at least one witnesses and Dell legal personnel.

6. The inventors of the present invention, Rose K. Davis and Elizabeth R. Hainley are no longer employed by Dell Products, L.P. or an affiliate thereof and are therefore not readily available for signature of a Declaration.

7. Due to the use of the above-described standard and independently verifiable invention disclosure process at Dell, I am able, in my representative capacity of the Dell Products, L.P., to attest to the receipt of the Dell Invention Disclosure Form attached as Exhibit B on September 24, 1999.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Further, I declare that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Signed this 13<sup>th</sup> day of July, 2002.



Henry N. Garrana,  
Vice President, Intellectual Property,  
Dell Products L.P.